

Ron Fischer

From: Ron Fischer
Sent: Wednesday, September 9, 2020 2:48 PM
To: 'Al Baker'
Cc: 'Rachel Gehrig'; Jen O'Hara; Dave Gordon; Dan Gaustad; Joe Quinn
Subject: RE: Janssen v. City of Valley City, et.al.

Importance: High

Just to be clear, Al, I'm really not trying to be difficult here. I simply am looking for a clear understanding that when the plaintiff responded to Interrogatory 18 on August 3, 2020 by stating "See Plaintiff's Rule 26 Disclosures and responses to your Interrogatories number 10 and 12," the plaintiff agrees that that response is also binding with respect to the supplemental discovery responses to interrogatories 10 and 12 that were served on September 4, 2020.

I don't want to be in a position where plaintiff and/or any of her attorneys down the road, to the extent that we may try and use interrogatory 18 in a motion for summary judgment (just as an example), that the answer to interrogatory 18 was only referring to the responses made to interrogatories 10 and 12 on August 3, 2020, and not to the supplemental answers served on September 4th.

Feel free to call me if you have any questions or wish to discuss this further. I sincerely am trying to avoid having to put this matter back in the hands of the court. I hope this clarifies matters, and you are able to inform me that you agree on behalf of the plaintiff to what I've stated.

Ronald F. Fischer
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From: Ron Fischer
Sent: Tuesday, September 8, 2020 7:27 PM

To: Al Baker <al@elawpros.com>

Cc: Rachel Gehrig <rachel@aalandlaw.com>; Jen O'Hara <Jen@grandforkslaw.com>; Dave Gordon <dgonson@grandforkslaw.com>; abieber@meagher.com; RWohl@smithporsborg.com; mklimpel@smithporsborg.com; Donna Hanson <dhanson@crowleyfleck.com>; Dan Gaustad <Dan@grandforkslaw.com>; Joe Quinn <jquinn@grandforkslaw.com>; sporsborg@smithporsborg.com; bschmidt@smithporsborg.com; mwaller@crowleyfleck.com; bsand@crowleyfleck.com; tkolb@meagher.com; bmcdonald@meagher.com

Subject: RE: Janssen v. City of Valley City, et,al.

Importance: High

Mr. Baker,

I am frankly surprised by your response. I was very clear at the conference call with the Magistrate Judge, as the record (since that conference was recorded) will reveal, that we would consider the issues we raised as to your client's inadequate responses to interrogatories 10, 12 and 18, resolved if your client would provide supplemental responses to those interrogatories by incorporating the information/documentation contained in your August 24, 2020 correspondence. You agreed to do so by September 4, 2020. Much to my surprise, when I reviewed your client's September 4, 2020 supplemental responses to the Valley City Defendants' interrogatories, your client only supplemented interrogatories 10 and 12.

I flat out reject your attempt to turn your own failure to comply with what you agreed to do as some sort of waste of time and needless increase in the cost of litigation on our part. Frankly, had you and your client simply done what you agreed to do we wouldn't even be having this email exchange. Your client's supplemental response to interrogatory 18 could have been identical to her supplemental response to interrogatory 12 which stated "*Without waiving the above objection Plaintiff provides the following information. All the requested information is contained in the Supplemental Answer to Interrogatory No. 10.*" Instead of doing that, my guess is that you completely forgot about Interrogatory 18. And now that we have pointed that out, you are attempting to deflect and cast blame on us.

In yet another attempt at resolving this matter amicably, we will consider this matter resolved, without the need to trouble the court, with your assurance that Ms. Janssen's September 4, 2020 supplemental responses to interrogatories 10 and 12 are also applicable with respect to her prior (June 12th and August 3rd) responses to interrogatory 18. If you agree to that, then we will consider this issue resolved. A simply "Yes, we agree" from you will suffice. If you do not agree, then we shall raise the issue in our motion to compel.

Do not hesitate to contact me should you wish to discuss this matter further. Thank you in advance for your anticipated cooperation and prompt response.

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From: Al Baker <al@elawpros.com>

Sent: Tuesday, September 8, 2020 2:22 PM

To: Ron Fischer <rfischer@grandforkslaw.com>

Cc: Rachel Gehrig <rachel@aalandlaw.com>; Jen O'Hara <Jen@grandforkslaw.com>; Dave Gordon <dgordon@grandforkslaw.com>; abieber@meagher.com; RWohl@smithporsborg.com; mklimpel@smithporsborg.com; Donna Hanson <dhanson@crowleyfleck.com>; Dan Gaustad <Dan@grandforkslaw.com>; Joe Quinn <jquinn@grandforkslaw.com>; sporsborg@smithporsborg.com; bschmidt@smithporsborg.com; mwallier@crowleyfleck.com; bsand@crowleyfleck.com; tkolb@meagher.com; bmcDonald@meagher.com

Subject: Re: Janssen v. City of Valley City, et,al.

Mr. Fischer,

I honestly do not understand your email. Interrogatory #10 generally asks for detailed and specific information about economic damages and expenses including payment information. Plaintiff's supplemental answer provides detailed information about the economic damages claimed in this case, funeral expenses and medical bills.

You now complain that Plaintiff has not answered Interrogatory #18 which asks for the exact same information requested in Interrogatory #10. Clearly "all expenses, including medical bills, burial and funeral expenses" are the economic damages covered by Interrogatory #10. In my opinion asking the same question more than once is simply an attempt to waste the Plaintiff's time and unnecessarily increase the expense of the litigation.

Plaintiff did answer Interrogatory #18 by referring to her responses to Interrogatories number 10 and 12. With the supplementation of Interrogatory #10, containing all the information demanded by the repetitive Interrogatory #18, the Answer to Interrogatory No. 18 completely answers the interrogatory and does not require supplementation.

Plaintiff will not provide a supplementary response to Interrogatory #18.

On Tue, Sep 8, 2020 at 12:42 PM Ron Fischer <rfischer@grandforkslaw.com> wrote:

Greetings, Al and Rachel. I have now had a chance to review the supplemental answers to the Valley City Defendants' interrogatories. While I note that amendments were made to interrogatories 10 and 12, there was no amendment to interrogatory 18. I am assuming that was simply an oversight on your part, since during the D.N.D. Gen. L.R. 37.1(B) conference with Magistrate Judge Senechal we asked that the plaintiff amend her responses to interrogatories 10, 12 and 18, by incorporating the information/documents provided in your August 24, 2020 letter and attachments.

Please let us know that your client will provide a supplemental response to interrogatory 18, so we won't need to include that in our motion to compel. Thanks in advance for you anticipated continued cooperation in this regard.

Sincerely,

Ronald F. Fischer

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From: Sheri <sher@aalandlaw.com>

Sent: Friday, September 4, 2020 4:05 PM

To: Dan Gaustad <Dan@grandforkslaw.com>; Ron Fischer <rfischer@grandforkslaw.com>; Joe Quinn <jqinn@grandforkslaw.com>; sporsborg@smithporsborg.com; bschmidt@smithporsborg.com; mwall@crowleyfleck.com; bsand@crowleyfleck.com; tkolb@meagher.com; bmcDonald@meagher.com

Cc: Jen O'Hara <Jen@grandforkslaw.com>; Dave Gordon <dgordon@grandforkslaw.com>; abieber@meagher.com; RWohl@smithporsborg.com; mklimpel@smithporsborg.com; Donna Hanson <dhanson@crowleyfleck.com>; Al Baker <al@elawpros.com>; Rachel Gehrig <rachel@aalandlaw.com>

Subject: Janssen v. City of Valley City, et,al.

Counsel,

Attached to this email please find the plaintiff's supplemental answers to the Valley City Defendant's interrogatories and corresponding letter and service document.

Thank you,

Sheri VanderWolde

Paralegal



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